

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Proposed Standby Orders to Expand Available Healthcare Staffing During A Healthcare Surge

1. Standby Order for Expanding Scope of Practice during Healthcare Surge

This standby order addresses the need to increase the number of licensed healthcare professionals able to provide services needed during a healthcare surge. Under the proposed order, the Governor in collaboration with the State Health Officer will decide which licensed healthcare professionals should have expanded scope of practice to mitigate the impact of the emergency. This will enable local health officers responsible for Alternate Care Sites or chief medical officers of healthcare facilities to use their professional judgment to decide who is qualified to perform services outside their licensed scope of practice. By creating a flow of authority from the Governor to the local health officer/ chief medical officer to the licensed healthcare professional, this order will link licensed healthcare professionals to the protections provided in the Emergency Services Act.

The standby order addresses the following objectives:

- Liability protection for licensed healthcare professionals: Government Code Section 8659 provides liability protection to physicians, surgeons, hospitals, pharmacists, nurses, and dentists. This standby order would provide the same liability protections to a broader class of licensed healthcare professionals.
- Licensure protection for healthcare professionals: to protect, to the extent prudent and reasonable under the circumstances, a healthcare professional's license if that individual renders emergency aid necessary to save lives without willful misconduct.
- Patient protection: to protect patients by ensuring that healthcare professionals have training, experience or abilities in delivering services that are outside their licensed scope of practice.
- The need to balance local decision making with State authority.

Text of the Standby Order for Expanded Scope of Practice:

It is hereby ordered that in the area proclaimed to be in a State of Emergency and/or that specific area(s) designated by the State Public Health Officer outside of the proclaimed area(s) but which is (are) essential to the relief and aid of the medical and health needs of the people within the proclaimed area, those rules that regulate the practice of licensed healthcare providers, including but not limited to _____*, _____*, shall be waived or amended as directed by the State Public Health Officer in order to increase the availability of acute medical care. Pursuant to the State Public Health Officer's actions, the local health officer, or chief medical officer at a hospital, shall direct healthcare providers under their authority to mitigate the medical needs caused by the emergency.

*Instructions